

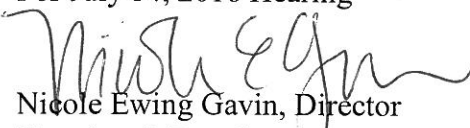


# MEMORANDUM

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DATE: June 29, 2016  
For July 14, 2016 Hearing

TO: Jim Mazzocco  
Zoning Examiner

FROM:   
Nicole Ewing Gavin, Director  
Planning & Development Services  
Director

SUBJECT: SPECIAL EXCEPTION LAND USE  
PLANNING & AND DEVELOPMENT SERVICES REPORT  
SE-16-61 Verizon – 29<sup>th</sup> Street, R-1 (Ward 4)

**Issue** – This is a request by Shirley Crowder of Centerline Solutions, on behalf of Verizon Wireless, for approval of a wireless communication facility (WCF). The special exception site is located approximately 200 feet south of 29<sup>th</sup> Street and 50 feet east of Sahuara Avenue (see Case Location Map). The preliminary development plan (PDP) proposes a wireless communication tower with twelve antenna panels concealed within an artificial pine tree (monopine), 59 feet in height. The facility will be placed within an approximately 570 square foot lease area in the southern portion of the 0.82-acre site, which is developed with a church and an unpaved parking lot. The WCF will be placed to the south of the church structure. The proposed ground equipment and the monopine will be located within an area screened by an eight (8) foot high masonry screen wall with a gated entrance along the north side of the compound. A twelve-foot wide access/utility easement for the WCF site will be provided from Sahuara Avenue.

A communications use of this type in the R-1 zone is subject to Sections 4.9.13.O and 4.9.4.I.2, .3, and .7 of the *Unified Development Code (UDC)* and requires approval through a Mayor & Council Special Exception Procedure, in accordance with *UDC* Sec. 3.4.4, because the tower height exceeds 50 feet and the tower is not set back at least two times its height from R-1 residential zoned property located to the east of the WCF. Documentation provided by the applicant indicates that no practical alternative exists, and measures are being taken to conceal or disguise the tower and antenna panels from view.

The Mayor & Council Special Exception Procedure requires a public hearing before the Zoning Examiner after which the Zoning Examiner forwards a recommendation to the Mayor and Council for a decision to grant the request with, or without, conditions or to deny the request. The Mayor and Council may also forward the request to the Design Review Board (DRB) for design review and recommendation.

**Planning & Development Services Department Recommendation** – The Planning & Development Services Department recommends approval of the special exception request, subject to the attached preliminary conditions.

**Background Information**

Existing Land Use: Religious use (church)

Surrounding Zones and Land Uses:

North: Zoned R-1; Former Educational use (Corbett Elementary School now closed)

South: Zoned R-1; Single-family Residential

East: Zoned R-1; Single-family Residential

West: Zoned R-1 & R-1; Single-family Residential & City of Tucson wellsite

Previous Cases on the Property: None

Related Cases:

SE-15-78 Verizon – Craycroft Road, SR Zone – This was a request for approval of a wireless communication facility concealed within an artificial pine tree (monopine), 70 feet in height and associated equipment as a special exception land use in the SR zone. The special exception site is located 170 feet south of the Rillito River multi-use path and 520 feet west of Craycroft Road. On February 9, 2016, the Mayor and Council adopted Ordinance No. 11338, allowing the special exception.

SE-15-11 Verizon – Swan Road, C-1 Zone – This was a request for approval of a wireless communication facility concealed within an artificial pine tree (monopine), 60 feet in height and associated equipment as a special exception land use. The special exception site is located approximately 300 feet south of Camp Lowell Road and 150 feet west of Swan Road. On September 9, 2015, the Mayor and Council adopted Ordinance No. 11301, allowing the special exception.

**Applicant's Request** – The applicant requests special exception approval for the placement of a 59-foot high cellular communications monopole disguised as a pine tree (monopine) with associated equipment south of on a site currently being used as a church.

**Planning Considerations**

Land use policy direction for this area is provided by *Plan Tucson*. *Plan Tucson* identifies this area in the Future Growth Scenario Map as an "existing neighborhood" category and supports new services and amenities that contribute further to neighborhood stability. Policy LT28.1.2 requires that, if possible, wireless communication facilities be located, installed and maintained to minimize visual impacts and preserve views. The applicant states that the proposed wireless

communication facility will help improve telecommunication services in the surrounding neighborhoods.

The special exception site is currently developed with a religious use (church) in the R-1 residential zone. To the east is single-family residential in the R-1 residential zone, to the south is single-family residential developed in the R-1 residential zone, to the west is single-family residential and a City wellsite developed in the R-1 residential zones, and to the north is an elementary school in the R-1 residential zone. The nearest single-family residentially zoned and developed land is located directly to the east, approximately 80 feet away.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will not generate additional measurable vehicle trips per day. Field inspection by staff indicates there are currently no billboards on the special exception site.

### **Design Considerations**

The proposed monopine and ground equipment will be located within an area screened by an eight (8) foot tall masonry wall. A twelve (12) foot wide access easement for the WCF site will be provided from Sahuara Avenue. The access easement runs north and then west from the lease area, then connects to Sahuara Avenue. The nearest residential unit is located approximately 80 feet to the east of the proposed WCF site.

Land Use Compatibility – The proposed monopine will include four antennas per sector with three sectors for a total of twelve antennas. The applicant has submitted a photo-simulation of the monopine showing the antennas concealed by the artificial branches and needles. The monopine will be set back approximately 50 feet to the east of Sahuara Avenue, approximately 200 feet to the south of 29<sup>th</sup> Street, and approximately 90 feet to the north of 30<sup>th</sup> Street. A monopine stealth design was chosen because of the presence of several Aleppo pine trees within relatively close proximity to the site.

The monopine will be visible from the surrounding residential development, as well as from adjacent streets. The proposed stealth monopine provides concealment and reduces the visible impacts to the area. The applicant proposes the design to include three (3) additional live pine trees to help visually buffer the WCF from adjacent residential. There are currently no trees existing on the property. The nearest residence is east of the site in the R-1 residential zone, approximately 80 feet from the proposed location of the monopine.

The applicant proposes to place the monopine and ground equipment in a 570 square foot lease area (20 feet by 28-1/2 feet) located to the south of the existing church building. The ground equipment will be housed inside several cabinets on concrete slabs screened by an eight-foot tall masonry wall painted to match surrounding buildings with an additional two feet of height added with wrought iron fencing on top of the wall to prevent people from climbing the wall and entering the equipment area. No permanent back-up generator is proposed but a portable generator may be brought in for emergency back-up power in the event of an electrical outage.

In terms of wireless communication facilities, a stealth application is one that disguises the appearance of the pole and antennas to look like an element of the built or natural landscape, typically observed at the chosen location. A stealth application should be as close as possible in scale and appearance to the object it is disguised as, with no obvious unnatural elements. The success of a stealth application is dependent on the ability of the design and construction of the cellular site to fit into its surroundings to such a degree that it is not noticeable. Scale and proportion, site design, color, and materials, are particularly important in stealth applications insofar as they contribute, or do not contribute, to the ability of the facility to be as unobtrusive as possible. To ensure a successful stealth monopine at this location, the following standards are recommended:

- The monopine shall not exceed 60 feet in height at the highest point;
- The monopine shall include branches and needles;
- The monopine trunk shall be covered with cladding (faux bark) wherever the pole is visible, and the trunk shall be painted to resemble a live pine;
- Replacement of lost/damaged branches and needles to be completed within ten working days of observation and branches and needles shall be colored to match live pines as closely as possible;
- Monopine branches shall start at 15 feet above grade elevation;
- All cables shall be run inside the pole, with no foot pegs or other visible appurtenances;
- All wire ports shall be concealed behind the antennas and equipment on the monopine shall be mounted behind the antenna panels;
- Three (3) live 24-inch box trees, (to grow 45 feet or more in height) shall be planted to the south and west of the WCF. Trees shall be added to the onsite permanent irrigation system and be maintained as part of the overall landscaping. If trees become damaged, diseased or die, they are to be replaced within 30 days of observation. Replacement shall be the responsibility of the wireless provider;
- Ground equipment to be located within lease area and housed within several cabinets screened by an 8-foot masonry (CMU) wall with 2 feet of wrought iron fencing on top. The CMU wall shall be textured and designed to match other nearby walls;
- Maximum antenna size is ninety-nine (99) inches in length, twelve (12) inches in width, and eight (8) inches in depth;
- Antenna arrays shall have no more than 12 antennas (3 sectors with 4 antennas per sector);
- Antennas shall be camouflaged with faux pine needle socks to match needle density and color of monopine.

Road Improvements/Vehicular Access/Circulation – Vehicular access to the wireless communications facility is by way of a twelve-foot easement from Sahuara Avenue. The access easement shall be recorded and sequence number provided prior to, or at, permit submittal stage. According to the *Major Streets and Routes Plan*, Sahuara Avenue and 30<sup>th</sup> Street are designated as local streets and 29<sup>th</sup> street as a collector.

**Use-Specific Standards** – The applicant’s proposal requires approval as a Mayor and Council Special Exception and must meet the Use-Specific Standards of *UDC* Sections 4.9.13.O and 4.9.4.I.2, .3, and .7. The Mayor and Council may forward the request to the Design Review Board for design review and recommendation. Below is the applicant’s analysis of the performance criteria.

4.9.4.I.

- .7 The following requires approval as a special exception in accordance with Section 3.4.4, *Mayor and Council Special Exception Procedure*. The Mayor and Council may forward the Design Review Board (DRB) for design review and recommendation.

a. Wireless communication antennas, provided:

- (1) The tower or antennas are not permitted by other provisions of this Section.

*The 59-foot top of monopine in the R-1 zone does not conform to other sections of the code because it is not 50 feet or less in height and does not meet the setback of two times its height to adjacent R-1 zoned property to the east.*

- (2) New towers require a minimum separation of one mile from any existing tower, regardless of ownership, unless documentation establishes that no practical alternative exists.

*The nearest existing wireless communications facility (WCF) is a monopole located 0.68 miles west-southwest of the site. The search ring to resolve the Verizon coverage gap has a radius of approximately 0.25 miles.*

- (3) All appropriate measures shall be taken to conceal or disguise the tower and antenna from external view.

*The tower has been designed as a monopine and the tower and antennas will be disguised within the artificial branches and pine needles.*

- (4) All appropriate measures shall be taken to reduce the negative proliferation of visible towers and antennae by the collocation of new antennae on existing towers or with the facilities of other providers which are located or planned for development within the proposed service area.

*The nearest existing WCF is approximately 3,570 feet west-southwest of the site. This tower was not suitable to fit within the existing sites on Verizon’s network.*

*The search ring to resolve the coverage gap has a radius of approximately 0.25 miles.*

- (5) Notice shall be provided to all agents designated at least 15 days prior to the date of the public hearing before the Zoning Examiner.

*All policies of the Mayor and Council Special Exception Process shall be followed accordingly.*

Staff finds the proposal to be in compliance with the *UDC* Use-Specific Standards.

**Conclusion** – The proposed stealth tower is in compliance with the performance criteria for a wireless communication facility. The Special Exception request is consistent with the policies and intent of *Plan Tucson*, considering the use of a stealth design, in this case a monopine, that will limit the visual impact of the facility. Approval of the request is appropriate subject to the attached preliminary conditions.



### PROCEDURAL

1. A site plan in substantial compliance with the preliminary development plan dated May 25, 2016, is to be submitted and approved in accordance with *Administrative Manual*, Section 2-06.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Special Exception Land Use".
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Archaeologist. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of the special exception land use.
6. A copy of the Special Exception decision letter shall be included with the site plan at the time of permit application submittal.

### LAND USE COMPATABILITY / CONCEALMENT MEASURES

7. The wireless communication monopine, including attachments such as antenna panels and pine branches/needles, shall not exceed fifty-nine (59) feet in height from grade elevation.
8. A maximum of twelve (12) antenna panels shall be installed and shall be covered with faux pine needle socks of a needle density and color to blend and minimize visual impacts.
9. Monopine branches shall start at 15 feet above grade elevation and the monopine shall include a sufficient number of artificial branches and needles to adequately conceal the antennas and appurtenances.
10. The pole shall be covered with cladding (faux bark) wherever the pole is visible, and be painted to resemble a live pine tree.

11. Replacement of lost/damaged artificial branches/needles is to be completed within ten (10) working days of observation and artificial branches/needles shall be colored to match live branches/needles as closely as possible.
12. All wire ports shall be concealed behind the antennas and all equipment shall be mounted behind the antenna panels.
13. Ground equipment is to be located within lease area as depicted on the preliminary development plan dated May 25, 2016, and is to be screened by an 8-foot masonry wall textured and painted in neutral desert color with an additional 2 feet of wrought iron fencing on top of the wall for added security.
14. Panel antenna dimensions shall not exceed ninety-nine (99) inches in length, eighteen (18) inches in width, and eight (8) inches in depth.
15. All walls visible from a public right-of-way and/or adjacent to existing residential development shall be graffiti-resistant.
16. Six-(6) inch wide fence block or greater shall be used for perimeter walls. Graffiti shall be removed from walls within seventy-two (72) hours of discovery or notification.
17. There shall be no exterior wiring, visible footpegs, portals, cabling or cable shrouds, or other unnatural appearing features on the monopine.
18. Applicant shall plant a minimum of three 'live' pine trees (either Aleppo or Afghan pines) in 24-inch box (to grow to 40 feet or more in height), to the south and west side of the lease area as depicted on the preliminary development plan dated May 25, 2016. Trees shall be added to the onsite permanent irrigation system and to be maintained as part of the overall landscape. If trees become damaged, diseased or die, then trees are to be replaced within 30 days of observation, and replacement will be the responsibility of the wireless communication company.
19. There shall be no permanent back-up generator located on the Special Exception site, however a portable back-up generator may be brought in for use in the case of a power outage.
20. Plans for future carriers must be approved through the special exception process.



AGREEMENT TO WAIVE ANY CLAIMS  
AGAINST THE CITY FOR ZONING AMENDMENT

This agreement ( "**Agreement**") is entered into between \_\_\_\_\_, as the owner of the property described herein ("**Owner**") and the City of Tucson ("**City**") to waive any and all claims for diminution of value that may be based upon action by the City in response to a request from the Owner. This Agreement is entered into in conformance with A.R.S. §12-1134(I).

The Owner is the holder of fee title to the property located at \_\_\_\_\_, Tucson, Arizona, (the "Property") which is more fully described in the Owner's application to the City in Case \_\_\_\_\_ and incorporated herein. The Owner, or the authorized agent of the Owner, has submitted an application to the City requesting that the City grant a Special Exception Land Use for the Property. The Owner has requested this action because the Owner has plans for the development of the Property that require the Special Exception Land Use. The Owner believes that the Special Exception Land Use for the Property will increase the value and development potential of the Property, and that this outweighs any rights or remedies that may be obtained under A.R.S. §12-1134 et. seq.

By signing this Agreement, the Owner waives any right or claim that may arise under A.R.S. §12-1134, including any claim for the reduction in the value of the Property, as a result of the enactment of the Special Exception Land Use in Case \_\_\_\_\_.

The Owner understands that City staff may propose, the Zoning Examiner may recommend and the Mayor and Council may adopt conditions to the requested Special Exception Land Use that limit the potential development of the Property. The Owner acknowledges that the Special Exception Land Use and conditions are a single, integrated legislative approval. The Owner agrees and consents to all conditions that may be imposed. The Owner retains the right to withdraw the Special Exception Land Use application prior to a vote by the Mayor and Council or to decline to implement the necessary requirements to effectuate the Special Exception Land Use if the Owner disagrees with any conditions that are proposed or approved. If the Owner does not withdraw the application, the Owner shall be deemed to have accepted all adopted conditions to the requested Special Exception Land Use. If the Owner withdraws the application or does not effectuate the Special Exception Land Use, this Agreement is null and void.

This Agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. The Owner has agreed to the form of this Agreement provided and approved by the City Attorney. The Owner has had the opportunity to consult with an attorney of the Owner's choice prior to entering this Agreement and enters it fully understanding that the Owner is waiving the rights and remedies as set forth herein.

Upon execution, this Agreement shall be recorded in the Office of the Pima County Recorder.

The Owner warrants and represents that the person or persons listed herein as the Owner is/are the owner in fee title of the Property. The Owner further agrees to indemnify and hold the City of Tucson, its officers, employees and agents harmless from any and all claims, causes of action, demands, losses, costs and expenses based upon an alleged reduction of value of the Property as a result of the City's action in Case \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Owner:

(Name of Individual, Corporation, Partnership, or LLC, as applicable)

Owner:

(Name of Individual, Corporation, Partnership, or LLC, as applicable)

By:

(Signature of Owner or Authorized Representative, if applicable)

By:

(Signature of Owner or Authorized Representative, if applicable)

Its:

(Title of Individual Signing in Representative Capacity)

Its:

(Title of Individual Signing in Representative Capacity)

State of Arizona )

County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_ on the basis of satisfactory evidence to be the person who he or she claims to be, and acknowledged that he or she signed the above/attached document.

\_\_\_\_\_  
Notary Public

My Commission expires:

\_\_\_\_\_

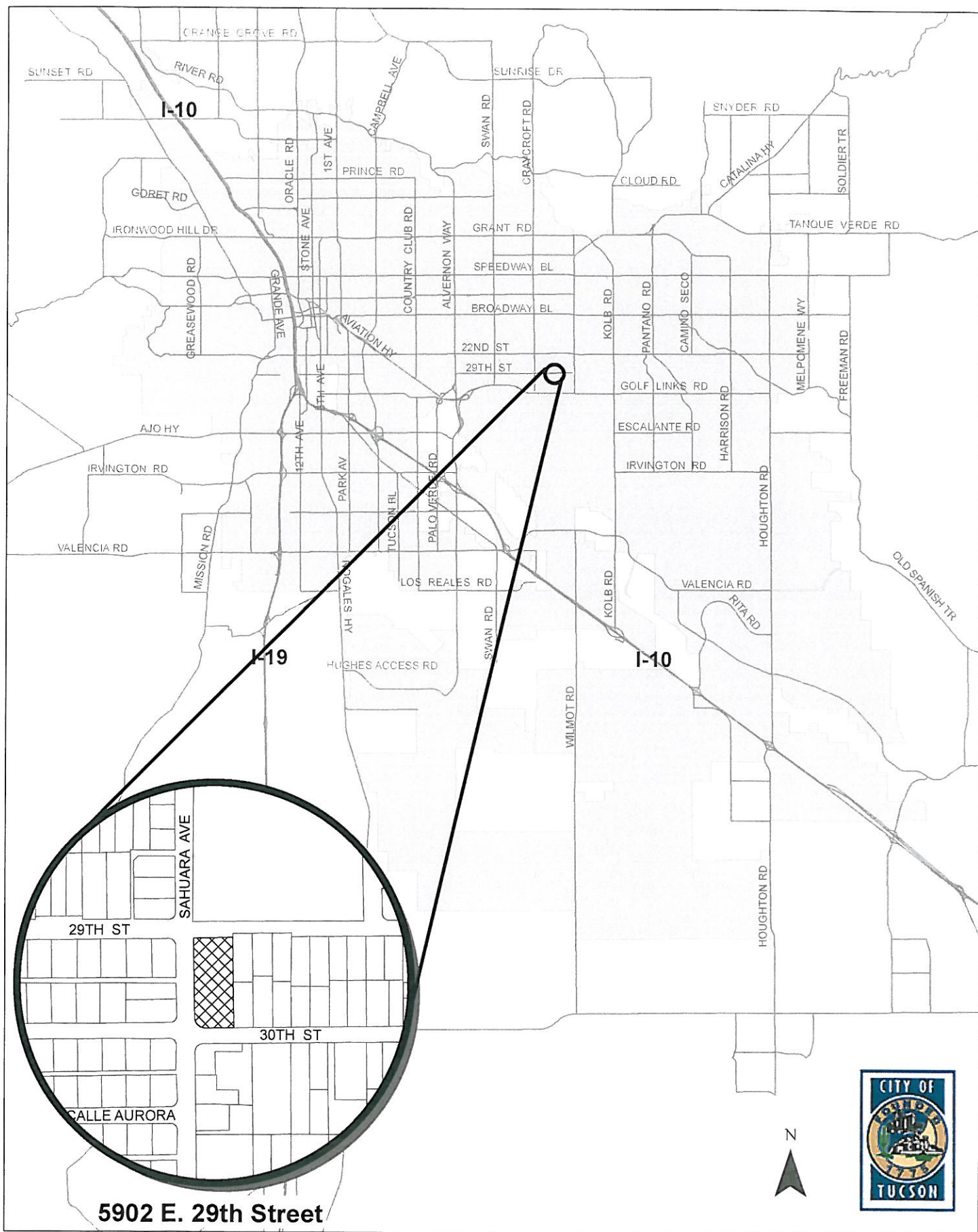
City of Tucson, an Arizona municipal Corporation:

By:

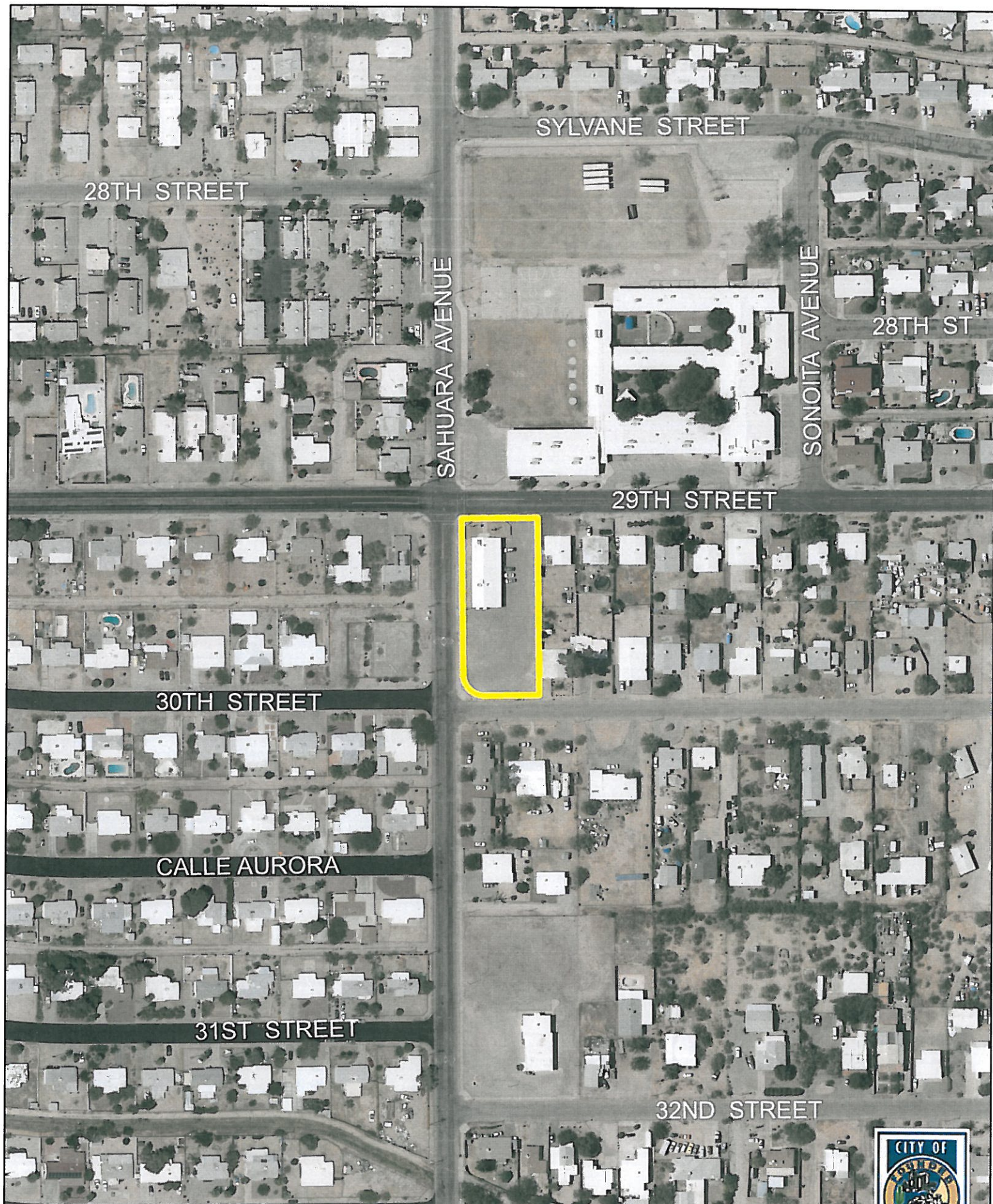
Planning & Development Services Department

This form has been approved by the City Attorney.

# SE-16-61 Verizon - 29th Street

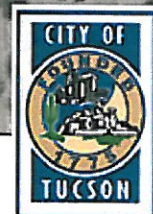






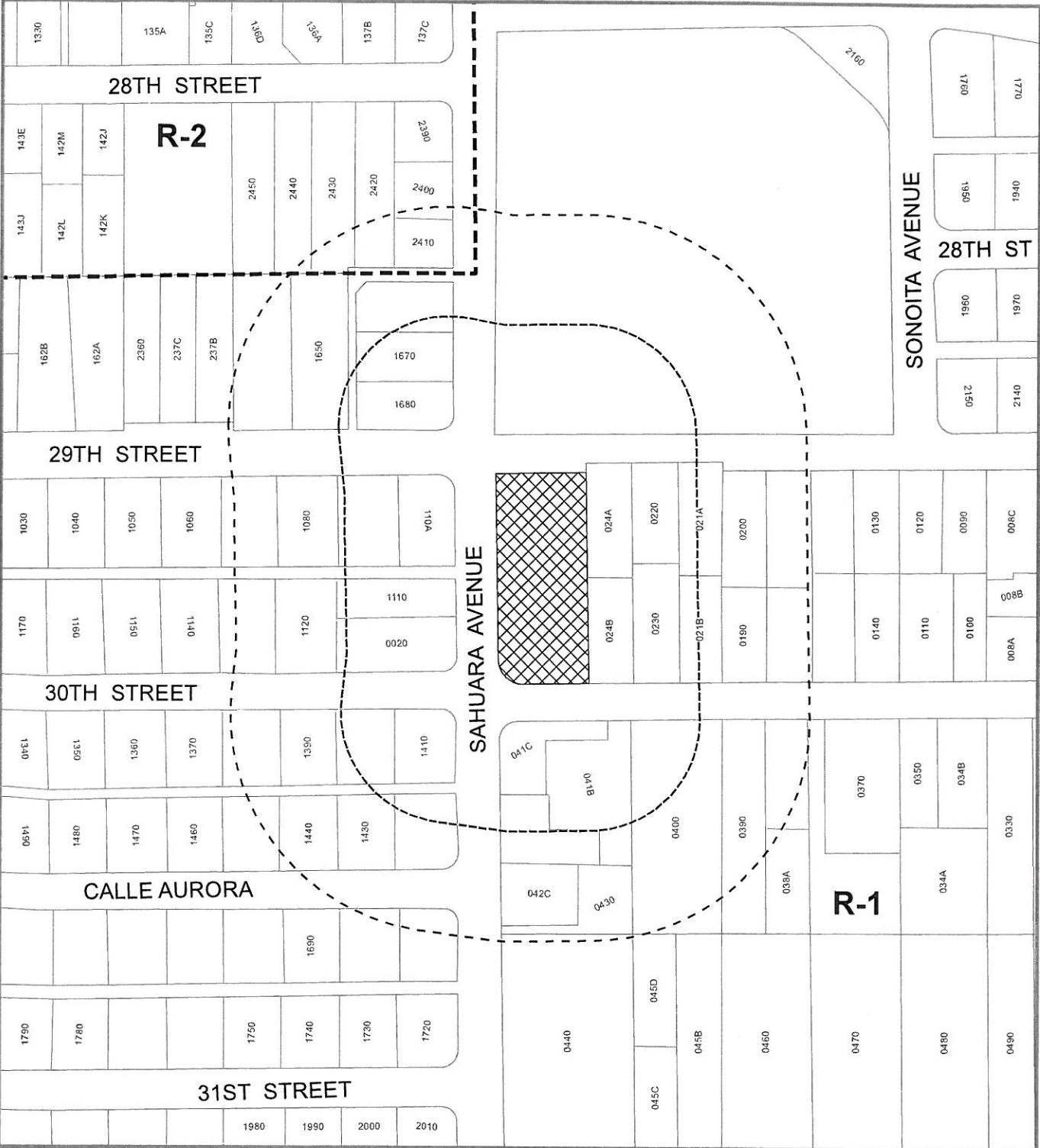
**SE-16-61 Verizon - 29th Street**  
2015 Aerial

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Feet  
1 inch = 200 feet





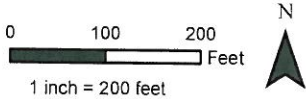
SE-16-61 Verizon - 29th Street  
Z.E. Special Exception



- Area of Special Exception Request
- 150' Protest Area
- 300' Notification Area
- Zone Boundaries
- R-1** Zoning of Requested Area



Address: 5902 E. 29th Street  
Base Maps: Sec.24 T.14 R.14  
Ward: 4



**PUBLIC FACILITIES AND SERVICES REPORT FOR JULY 14, 2016**  
(as of June 23, 2016)

**SE-16-61 Verizon – 29<sup>th</sup> Street, R-1 Zone**

**CITY AGENCIES**

**Planning & Development Services – Zoning Review:** See attached comments dated 6/7/16.

**Planning & Development Services – Sign Code** See attached comments dated 6/13/16.

**Planning & Development Services – Community Planning:** See attached comments dated 6/20/15.

**No Objections Noted**

**Planning & Development Services – Engineering**

**Office of Conservation & Sustainable Development**

**Transportation – Engineering**

**Transportation – Traffic Engineering**

**Tucson Fire Department**

**Community Services – Historic Preservation Officer**

**Environmental Services**

**Tucson Parks and Recreation**

**Tucson Police Department**

**Planning & Development Services – Landscape**

**NON-CITY AGENCIES**

**PAG-TPD:** Estimated traffic generation of proposed development: Zero vehicle trips per month.

**No Objections Noted**

**Tucson Unified School District**

**Pima County Wastewater**

**Arizona Department of Transportation**

**Pima County Transportation and Flood Control**

**Pima County Parks and Recreation**

**Davis-Monthan Air Force Base**

**Tucson Electric Power**

Additional information about this project, including the staff report to the Zoning Examiner and the Preliminary Development Plan, will be posted on the web by 5:00 PM, June 29, 2016 at

**[http://cms3.tucsonaz.gov/planning/prog\\_proj/projects/rezoning/index.html](http://cms3.tucsonaz.gov/planning/prog_proj/projects/rezoning/index.html)**





## Approval – Protest Form

If you wish to submit a written protest or approval, this form is provided for your convenience. Please print your comments below, sign your name, and mail to the Rezoning Section of the Planning & Development Services Department at the address on the reverse side (you will need to attach postage). The number of approvals and protests along with protest calculations will be reported at the Zoning Examiner's public hearing.

**Approvals and protests must have an owner's signature to be recorded.**

Case SE -16-61 Verizon – 29<sup>th</sup> Street R-1 zone (Ward #4)

\_\_\_\_\_  
I/We the undersigned property owners, wish to

- ☐ APPROVE the proposed rezoning.  
☐ PROTEST the proposed rezoning.

**Reason:**

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PLEASE PRINT YOUR NAME	PLEASE PRINT MAILING ADDRESS	PLEASE PRINT LEGAL PROPERTY DESCRIPTION		
		Subdivision	Block	Lot

Owner's Signature: \_\_\_\_\_ Date \_\_\_\_\_

SE-16-61

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**City of Tucson** PMc  
Planning & Development Services  
Department -Rezoning Section  
201 N. Stone Avenue  
P.O. BOX 27210  
Tucson, Arizona 85726-7210

SE-16-61  
IMPORTANT SPECIAL EXCEPTION NOTICE ENCLOSED